



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

January 26, 2017

System No. 5010019

Michael Cooke, Municipal Services Director  
City of Turlock  
156 S. Broadway, Suite 270  
Turlock, CA 95380

### TRANSMITTAL OF CITATION NO. 01-10-17C-001

The City of Turlock (hereinafter "City") water system (No. 5010019) violated the nitrate maximum contaminant level, as specified in Title 22, Section 64431, of the California Code of Regulations, in January 2017. The State Water Resources Control Board, Division of Drinking Water has issued Citation No. 01-10-17C-001, in response to this violation. The Citation is being transmitted to the City under cover of this letter.

Please respond to the Directives of this Citation by the deadlines established with each item. If you have any questions regarding this Citation, please contact Brian Kidwell by email at [Brian.Kidwell@waterboards.ca.gov](mailto:Brian.Kidwell@waterboards.ca.gov) or by phone at (209) 948-3963.

Sincerely,

Bhupinder S. Sahota, P.E.  
District Engineer, Stockton District  
NORTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

Attachments:

Citation No. 01-10-17C-001

Certified Mail No. 7004 2890 0002 0057 9744

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

31 E. Channel Street, Room 270, Stockton, CA 95202 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

**TO:** City of Turlock  
156 S. Broadway, Suite 270  
Turlock, CA 95380

**Attn:** Mr. Michael Cooke, Municipal Services Director  
City of Turlock

**CITATION FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE  
SECTION 116555(a)(1) AND CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTION 64431  
VIOLATION OF THE NITRATE MAXIMUM CONTAMINANT LEVEL  
WATER SYSTEM NO. 5010019  
C I T A T I O N   N O .   01-10-17C-001  
Issued on January 26, 2017**

The State Water Resources Control Board (hereinafter "Water Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues this Citation (hereinafter "Citation") pursuant to Section 116650 of the California Health and Safety Code (hereinafter "CHSC") to the City of Turlock (hereinafter, "City") for violation of California Code of Regulations (CCR), Title 22, Section 64431.

**APPLICABLE AUTHORITIES**

**Section 116650 of California Health and Safety Code provides:**

(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.



Section 116555(a)(1) of California Health and Safety Code provides, in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

California Code of Regulations, Title 22, Section 64431 provides, in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A**  
**Maximum Contaminant Levels**  
**Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.



1 **STATEMENT OF FACTS**

2 The City water system is operated under Water Supply Permit No. 01-10-15P-005,  
3 which was issued on August 24, 2015.  
4

5 The City water system is publically owned and operated. The water system is located  
6 in Stanislaus County, on California Highway 99, approximately 15 miles southeast of  
7 the City of Modesto. The City's service area is approximately 25 square miles in size.  
8 The water system is classified as a community water system that serves primarily  
9 residential customers living within the City's service area. The water system serves  
10 approximately 70,132 people through 18,497 service connections. The water system  
11 is operated by City personnel.  
12

13 The City obtains all of its domestic water supply from twenty-one groundwater wells.  
14 None of the City's wells are continuously disinfected; however the City is equipped  
15 with emergency chlorination equipment for each well. The City's wells have a  
16 combined source capacity of 30,750 gpm. The City also has three ground level water  
17 storage tanks with a total capacity of 3.1 MG.  
18

19 Of the City's twenty-one wells, eleven are sampled for nitrate on a quarterly, or more  
20 frequent, basis. Well No. 14 was sampled for nitrate on January 10, 2017. The well,  
21 which is typically shut down during the winter months, was pumped to the distribution  
22 system for several hours the day of the sampling. The result was 11.4 mg/L, as  
23 nitrogen, which is above the nitrate Maximum Contaminant Level (hereinafter "MCL")  
24 of 10. mg/L. The Division was notified of the results on January 17, 2017.  
25  
26  
27

Section 64432.1(1) of the CCR provides in relevant part:

**§64432.1 Monitoring and Compliance--Nitrate and Nitrite.**

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the State Board of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

(A) Collect another sample, and

(B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the State Board within 24 hours. If the average does not exceed the MCL, inform the State Board of the results within seven days from the receipt of the original analysis.

The City failed to collect follow-up nitrate samples within 24 hours as required by Section 64432.1 of the California Code of Regulations.

The City did collect follow-up nitrate samples on January 19, 2017, and January 20, 2017. The results are shown below:

Sample Date	Nitrate Results (mg/L)
1/19/2017	11.6
1/20/2017	11.5
Average	11.55

1 Based on the original sample, and the follow-up samples shown above, the City is in  
2 violation of the Nitrate MCL.

3  
4 It should be noted, that since the MCL violation, the City has submitted a permit  
5 amendment request to change the status of Well No., 14 from active to inactive.

### 6 7 **DETERMINATION**

8 The Division has determined that the City failed to comply with Section 116555(a)(1)  
9 of the California Health and Safety Code as well as Section 64431 of the California  
10 Code of Regulations due to the fact that the City's source water exceeded a primary  
11 MCL noted in table 64431-A. Specifically, the nitrate (as nitrogen) results for Well No.  
12 14, 11.4 mg/L, exceeded the nitrate MCL of 10. mg/L. Therefore the City is in  
13 violation of Section 116555(a)(1) of the California Health and Safety Code and  
14 Section 64431 of the California Code of Regulations.

15  
16 It should be noted, that since Well No. 14 was taken offline after sampling, the City  
17 was not required to conduct Tier 1 Public Notice.

### 18 19 **DIRECTIVES**

20 The City is hereby directed to take the following actions:

- 21
- 22 1. The City shall submit a plan to the Division which outlines a process to ensure  
23 that required follow-up nitrate monitoring, as outline in Section 64432.1(1) of  
24 the California Code of Regulations, is conducted correctly in the future. The  
25 City shall submit this plan for review and approval by no later than February 24,  
26 2017.





1        2. In the future, if the City wishes to re-activate Well No. 14, the City must either  
2        supply nitrate treatment or supply the Division with substantial nitrate data  
3        showing that the nitrate level in Well No. 14 has dropped below the MCL and  
4        looks like it will remain below the MCL. A permit amendment will be required to  
5        activate Well No. 14.

6  
7        The Division reserves the right to make such modifications to this Citation as it may  
8        deem necessary to protect public health and safety. Such modifications may be  
9        issued as amendments to this Citation, and shall be deemed effective upon issuance.

10  
11        Nothing in this Citation relieves the City of its obligation to meet the requirements of  
12        the California Safe Drinking Water Act, or of any regulation, permit, standard, or order  
13        issued or adopted thereunder.

14  
15        All submittals required by this Citation shall be submitted to the Division at the  
16        following address:

17                    Brían Kidwell, P.E.  
18                    Associate Sanitary Engineer  
19                    State Water Resources Control Board, Division of Drinking Water  
20                    31 E. Channel Street, Room 270  
21                    Stockton, CA 9202  
22  
23

24                    **PARTIES BOUND**

25        This Citation shall apply to and be binding upon the City, its officers, directors,  
26        shareholders, agents, employees, contractors, successors, and assignees.



1 **SEVERABILITY**

2 The Directives of this Citation are severable, and the City shall comply with each and  
3 every provision thereof, notwithstanding the effectiveness of any other provision.  
4

5 **FURTHER ENFORCEMENT ACTION**

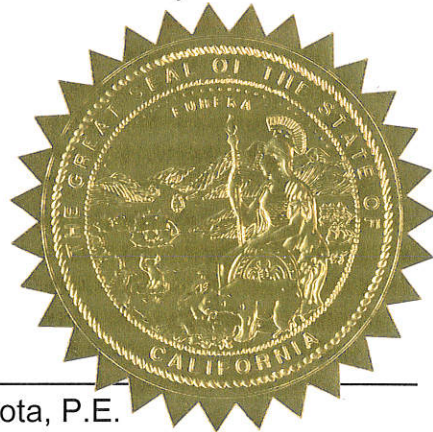
6 The California SDWA authorizes the Board to: issue citation with assessment of  
7 administrative penalties to a public water system for violation or continued violation of  
8 the requirements of the California SDWA or any permit, regulation, permit or order  
9 issued or adopted thereunder including, but not limited to, failure to correct a violation  
10 identified in a citation or compliance order. The California SDWA also authorizes the  
11 Board to take action to suspend or revoke a permit that has been issued to a public  
12 water system if the system has violated applicable law or regulations or has failed to  
13 comply with an order of the Board; and to petition the superior court to take various  
14 enforcement measures against a public water system that has failed to comply with  
15 violates an order of the Board. The Board does not waive any further enforcement  
16 action by issuance of this citation.  
17  
18  
19

20 1/26/2017  
21 \_\_\_\_\_

22 Date

20 Bhupinder S. Sahota, P.E.  
21 \_\_\_\_\_

22 Bhupinder S. Sahota, P.E.  
23 District Engineer, Stockton District  
24 Division of Drinking Water  
25 State Water Resources Control Board  
26



27 Certified Mail No. 7004 2890 0002 0057 9744  
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